

COUNCIL FOR NATURE CONSERVATION AND THE COUNTRYSIDE

113th MEETING TO BE HELD ON THE 10th/11th JANUARY 2008 at THE BURRENDALE HOTEL, NEWCASTLE

Present:

Dr L Blakiston Houston
Mr B Murphy
Mr J Anderson
Mr B Black
Dr B Brown
Mr J Campbell (Item 2-15)
Mr M Campbell (Item 2-15)
Mr P Cregg
Mr J Furphy
Mr A Gibson
Mr D Hughes
Mr J Jackson
Dr A McGarel (Item 2-15)
Mr J Simpson
Mr R Northridge

In Attendance:

Mr G Seymour, EHS
Mr P Corbett, EHS
Mr I Enlander, EHS
Mr B Forde, PEPG

Ms M Gnomes, MTF
Mr E Mayhew, MTF

Mr B Ervine, DARD (Item 1only)

FIELD VISIT TO THE MOURNES

Dr Carol Lynne Ferris accompanied members on a field visit to the Mourne AONB to consider a number of issues associated with the Countryside Access and Activities Network Access Report including public rights of way, permissive paths and coastal paths.

Some issues emerged as follows:

- a) Common grazing rights.
- b) Problems associated with the Bloody Bridge area and a proposal by a local landowner to develop car parking and café facilities.
- c) Anti social behaviour and vandalism.
- d) Amenity problems.
- e) Coastal path continuity, erosion and littering.
- f) The need for a central database for all activities and events in the Mourne area.
- g) Car parking issues and use of farmland.
- h) The problems of access to the Western Mourne.
- i) Under usage of the Western Mourne compared to the High Mourne.
- j) Lack of communication between farmers and recreationalists.

Dr Ferris informed members that CAAN had been involved in setting up the Mourne Access Action Forum to address many of these issues but it had encountered opposition to this from farmers.

The tour finished on a positive note with a visit to the Trasseagh area to see the facilities of Meelmore Lodge, a local farmers initiative to provide car parking, a camp site, hostel and café.

The Chairman thanked Dr Ferris for a very interesting and informative tour.

1. ASSI PROPOSALS

1.1 Mr Corbett gave a presentation on the progress review of the first year of the Priority List of ASSIs. He highlighted the aims of the Priority List, the main criteria used for prioritising sites and the risk based approach used for both habitats and earth science sites. Mr Corbett outlined some of the key sites included on the list as well as those in the pipeline. He pointed out a number of difficulties associated with sites to be designated.

In discussion, members raised a number of points as follows:

- In some areas it was noted that there had been a rapid loss of grassland and members asked how EHS makes a judgement on which sites to designate. Mr Corbett advised members that its judgement was based on the NI Countryside Survey and the fragility and vulnerability of sites.
- Members noted that designated ASSIs endorsed by Council are considered as pASSIs until declared by the Department. Currently, EHS aims to have the process of endorsement and declaration completed within one year.
- Council suggested that EHS should consider the resources required to achieve its target of 200 sites. EHS pointed out that the presumption was that EHS has sufficient resources to achieve the designation of sites on the Priority List. Although EHS seemed to be on track to achieve its target, members felt that, given the dynamics of some of the larger sites, there should be a flexible approach to resourcing in dealing with the process. Council noted that a target for the Priority List was included in the Programme for Government and this meant that resources for ASSI designation would be available for at least other 3-years.
- Council expressed the view that this was a good review of the Priority List and suggested it should be done on an annual basis.
- It was noted that although it was possible to identify all the earth science sites for the Priority List, there were difficulties in determining all the biological sites because of the unpredictability of many sites. EHS pointed out, however, that its proposals would be in keeping with its distribution assessment of sites throughout Northern Ireland.
- The view was expressed that some areas might be considered for designation as SLNCIs. M Corbett pointed out that this was largely dependent on the Area Plan timetable.
- A question was raised about the legal status of ASIs in comparison to ASSIs and their authority within the planning system. In essence an ASI was a de facto ASSI but had no prescriptions. Members drew attention to the earlier field visit in the Mourne and the dumping on an ASI in the vicinity of Bloody Bridge. Mr Seymour undertook to report this to the LRM unit in EHS.

ACTION: Report dumping on ASI

Mr Seymour

- 1.2 The Chairman declared an interest and the Deputy Chairman chaired this part of the meeting.

Mr Corbett gave a presentation on a number of biological ASSI proposals including Mullaghcarn (Boorin), Slieveanorra and Croaghan (both bog and heathland sites), Scraghy, Blackslee, Knocknashangan and Ross (Grassland sites) and highlighted the main features and some management issues of each site.

In discussion, members raised a number of points as follows:

Slieveanorra and Croaghan

- Members raised a question about the felling of trees by Forest Service at this site and the impact this could have on the ecology of the ASSI. Mr Corbett undertook to consider any effects on the site from this work. He felt, however, that there might be some impact on the Hen Harrier. He was also concerned that there should be restoration of peat affected by the work of FS and that this blanket bog ASSI should not be used for the installation of wind turbines.

Grassland Sites

- In view of the significant species feature of marsh fritillary associated with the grassland sites, EHS is to undertake more work on the conservation objectives of each site with particular emphasis on the marsh fritillary.
- There was concern about grazing and stocking densities and the important use of the LFA support scheme to avoid abandonment of grassland sites. The importance of making sure the grazing regime was appropriate was highlighted and the need for post declaration management was also a key factor in protecting the sites. Mr Corbett added that EHS was trying to co-ordinate its MOSS scheme and DARD's agri-environment schemes to ensure better quality grassland.
- Members expressed the view that given the likelihood of marsh fritillary found in buffer zones outside the designated sites it could be difficult to apply a blanket approach to management issues and suggested that sensitive management was needed.

Council endorsed the proposals to designate Mullaghcarn (Boorin), Slieveanorra and Croaghan, Scraghy, Blackslee, Knocknashangan and Ross as ASSIs.

- 1.3 Mr Enlander gave a presentation on the proposals for five earth science sites i.e. Camlough Quarry, Lislea, Mullaghbane Ridge, Cloghinny and Glendesha all in the Ring of Gullion area. He explained the geological significance of the area in the context of a Palaeogene age and the related volcanic activity and exposure of the ring dyke.

Members suggested that the recording of the 'interest features' of the earth science sites should be more specific.

Council endorsed the proposals to designate Camlough Quarry, Lislea, Mullaghbane Ridge, Cloghinny and Glendesha as ASSIs.

2. APOLOGIES

Apologies were received from Mr M Hill, Mr A Lonergan, Mr H McBride and Mr P Warner.

3. MINUTES OF THE 110TH MEETING HELD ON 2 NOVEMBER 2007 MINUTES OF SPECIAL MEETING HELD ON 28TH NOVEMBER 2007

The minutes of the meetings of the 2ND November and 28th November 2007 were agreed.

4. CHAIRMAN'S BUSINESS

4.1 REGNI Workshop

The Chairman informed members that she was in the process of drafting a letter to the Deputy Secretary about Council's views on the REGNI recommendations discussed at the Workshop on the 7th December 2007.

A joint response of the 3 SACs is being considered and she would advise members of the final outcome.

ACTION: Inform members of final drafting Chairman

4.2 Climate Change

The Chairman reported that Mr M Campbell has drafted a CNCC position paper on climate change. Dr Brown is currently considering additional comments for this draft. It was agreed that a sub-group of Mr M Campbell, Dr B Brown, Mr J Furphy, Mr J Jackson and Mr B Black be convened to finalise this paper.

ACTION: Finalise paper CNCC Sub-Group

5.0 PRESENTATION ON WORK OF THE NGO'S MARINE TASK FORCE

Ms M Gomes and Mr E Mayhew gave a presentation on the work of the Marine Task Force. Ms Gomes outlined the vision of the Task Force and its sister links with stakeholders involved in the Marine Bill. She highlighted the areas which the Task Force believes that the new legislation should address, such as the Marine Planning system, new tools for Marine Nature Conservation, modernisation of inshore fisheries, management and streamlining the framework for marine licensing. Members noted that the introduction of the Marine Bill could be delayed until 2010 and were advised of some of the hold ups associated with implementing marine conservation.

In discussion a number of points emerged as follows:-

- EHS was in the process of identifying inshore SACs and was also working on the completion of Marine SACs. EHS did not have any current proposals for designating Marine Nature Reserves until the new designation types was established.
- Members were concerned that the presentation did not include any mention of other jurisdictions such as the ROI and Isle of Man. The Marine Task

Force recognised this but was initially concerned about the acceptance of the Marine Bill by the Northern Ireland Assembly. The Minister has written to the Environment Committee on proposals for the Marine Bill at devolved level but it was unlikely that Northern Ireland will sign up to the UK management structures. Council emphasised the importance of not losing the momentum on the Irish Sea Pilot Study initiated by JNCC.

- A question was raised about DARD's Inshore Fisheries Review and the effectiveness of its recommendations. It was the understanding of the Marine Task Force that a final strategy for Inshore Fisheries was due to emerge last year. So far this had not materialised but it was hoped that the Marine Bill could deliver these recommendations.

Council agreed that an update on the outcomes of the Inshore Fisheries Review and Irish Sea Pilot Study should be given at the next meeting of Council's Marine Group. If the recommendations are not forthcoming then consideration should be given to sending a letter to the Minister seeking a timetable for implementation of the Marine Bill.

The Chairman thanked Ms Gomes and Mr Mayhew.

6. PRESENTATION ON CLIMATE CHANGE

Mr Forde gave an update on the work of the climate change unit of the PEPG. He emphasised that climate change had major crosscutting issues across all government departments with the Minister of the Environment taking the lead role in the delivery of targets. He outlined the targets of the Kyoto conference on climate change and pointed out that Northern Ireland did not have a separate target in the reduction of carbon emissions but was included in the figures set for the rest of the UK. Mr Forde also mentioned the most recent talks on climate change which took place at Bali which did not set specific targets but gave a commitment to reduce emissions. In the European context he indicated that there was a thrust towards the use of renewables for energy with a target of up to 20% by 2020.

At the UK level there is a climate change programme which includes an energy white paper highlighting a carbon reduction scheme and the use of nuclear energy. There is a UK Climate Change Bill 2008 and this is currently with the House of Lords and is due to be approved in the summer. On the 10 December 2007, the Northern Ireland Assembly signed up to the Bill being applied here. The NI Programme for Government includes a commitment to climate change with a target of reducing carbon emissions by 25% by 2025.

Mr Forde outlined some of the adaptation steps being applied in Northern Ireland to meet its commitment with the use of various initiatives such as (a) the NI Climate Change Impact Partnership (b) the SNIFFER Report (c) the NI Biodiversity Strategy (d) ICZM (e) the Marine Climate Change Impact Partnership, which is to launch a publication soon and (f) the National Trust's Shifting Shores Report, which is due to be launched by the Minister soon.

In discussion, a number of points and comments emerged as follows:

1. Members felt that the Draft NI Programme for Government had highlighted a number of conflicts in implementing measures relating to targets of climate change, for example there is to be an increase in road building and this means increased road traffic use with a corresponding increase in carbon emissions.
2. There was a view that regionalisation of targets should be applied to Northern Ireland. Mr Forde explained that so far there has been a lack of joined up thinking within departments of this approach.
3. Council was concerned that there may not be a political imperative in seeking to meet energy efficiencies. It appears that the NI Executive is to abandon its policy on energy efficiency measures for all new builds. Mr Forde commented that overall some decisions of government departments do not link up with a coherent climate change agenda.
4. It was noted that the NIBG has representatives on the Biodiversity Forum of the ROI. This Forum is to hold a workshop on biodiversity and climate change soon.
5. Council was concerned that NI did not appear to have any long term strategy for meeting targets on renewable energy and carbon emissions. Mr Forde informed members that there was currently no roadmap for a strategy. In spring government will be considering how it is progressing towards meeting targets and what measures it can take to achieve them. He clarified that the role of his Unit was to liaise with other departments on suitable climate change initiatives, but it was up to the Minister of the Environment how they should be interpreted.
6. Council was concerned that the current adaptations approach was not sufficient to address crosscutting issues and had a bearing on how government can meet targets.
7. The National Trust is to launch a publication on its study of Sea Level Rise. This could have a bearing on the measures to be considered by the Climate Change Unit.
8. EHS and CNCC have contributed to the work of JNCC on climate change and it was suggested that it would be useful for JNCC to meet with the Climate Change Unit. Mr Campbell is to discuss this with the JNCC Forum.
ACTION: Discuss with JNCC Forum Mr Campbell
9. Council emphasised the need for long-term monitoring and long-term data sets to assist in achieving targets.

The Chairman thanked Mr Forde for his presentation.

7. UPDATE ON PLANNING POLICY STATEMENTS

Mr Hamilton, PS informed Council that as a result of the judicial review on PPS14, which ruled that DRD could not process policy statements and that the DOE was responsible for their drafting, much of the work on policy statements had been put on

hold on the Minister's directive until the Department has completed the priority work on PPS14. It is hoped to produce the draft by April. An issues paper will be released for public consultation in February and will also involve a roadshow at various locations throughout Northern Ireland. Work was already well advanced on PPS2 Nature Conservation and it was likely that the draft will be submitted for Ministerial approval in the summer. In view of the importance of PPS2 for statutory protection of habitats and its interrelationships with PPS14, members emphasised the need to ensure that this statement was finalised soon.

Council suggested that when the issues paper on PPS14 is published that members should have a special meeting with PEPG. Members were concerned that the Assembly's Environment Committee should be consulted on this paper before its release, but Mr Hamilton explained that because of the time factors involved the Environment Committee will be invited to comment when the paper has been released for public consultation.

Mr Hamilton outlined the staff resources involved in preparing PPSs and highlighted some of the other statements and guidance papers to be progressed such as PPS 20 Coastal Development; PPS16 Tourism and PPS18 Renewables. In the case of PPS18 this was currently out for public consultation, but a supplementary guidance report on windfarm development involving landscape character assessment is to be signed off by the Minister. It was agreed that when this report has been signed off a presentation should be given by PEPG and EHS to Council's Planning and Landscape Group.

ACTION: Consider windfarm development report Planning Group

8. BIODIVERSITY / GEODIVERSITY RELATIONSHIPS IN NI

Dr Brown introduced the draft report on Geodiversity/Biodiversity Relationships in Northern Ireland. He explained that in essence the report looks at the relationships between biodiversity and Geodiversity in both landscapes and site based policies and practices. Dr Brown asked that members let him know their comments in due course.

Council agreed that the implementation of the Report should be considered by a sub-group of members and EHS staff. It was also suggested that it would be useful to seek information on the links between biodiversity and geodiversity which emerged from the QUB Tellus Project. This could be augmented with a presentation on Tellus at Council's next meeting. In addition Mr Furphy undertook to send Dr Brown a copy of the UWT paper on landscape scale conservation.

Dr Brown suggested that the Chairman writes to Faber Maunsell congratulating them on a well presented and comprehensive Report.

ACTION:	<p>Send comments to Secretariat Consider Report Seek information on Tellus Project Arrange for presentation on Tellus Project to Council Send Dr Brown copy of Landscape Scale paper</p>	<p>Members Sub-group Dr Brown Secretariat Mr Furphy</p>
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9. REPORT FROM WORKING GROUPS

Members noted the various minutes of the working groups as follows:

- Marine and Coastal Group - minutes of 7th November 2007
- Chairs Meeting - minutes of 28th November 2007
- Access and Amenity Group - minutes of 11th December 2007

10. MEMBERS REPORTS

10.1 Strangford Lough Management Advisory Committee

Members raised a point about the restoration of Modiolus in Strangford Lough and the condition relating to no disturbance areas. There was a need to establish a definition of 'no disturbance' in order to satisfy the yachting fraternity who use the Lough in that area. Mr Campbell informed members that this matter is due to be discussed at the next meeting of the SLMAC.

Council felt that it might be useful to have a presentation on the issues of Modiolus by the Marine Task Force and DARD Fisheries at the Marine Group meeting on 17th January.

ACTION: Give presentation on Modiolus issues DARD and MTF

10.2 Lough Neagh Advisory Committee

Mr Gibson reported that he was concerned that the 3-year term of the post of Biodiversity Officer within Magherafelt DC was due to expire and because of the possible lack of funding from EHS the post would have to end. Mr Seymour explained that EHS does not automatically renew funding for these posts. It had to consider all applications for funding in accordance with its criteria for approvals. He mentioned in passing that Magherafelt DC also employed the LNAC staff including the Liaison Officer and LN Wetlands Biodiversity Officer. It is to terminate these arrangements at the end of the month and EHS was currently seeking alternatives to ensure that this body could continue.

11. WORK PROGRAMME FOR FABER MAUNSELL

This item was deferred until the next meeting.

12. MATTERS ARISING REPORT FROM THE 112TH MEETING

12.1 SAC Atlantic Salmon

Mr Seymour reported that EHS had met the Minister about the question of designating additional SACs. The Minister was minded to present additional evidence on sufficiency of sites to the EC. The EC has contacted DEFRA and it wants to arrange an urgent meeting on the situation next week. Mr Seymour undertook to update Council on the outcome of these discussions.

ACTION: Update Council Mr Seymour

12.2 Wildlife Order

Dr Brown reported that a joint group of NIBG and CNCC members considered amendments to the Wildlife Order 1985 and provided comments. The public consultation on this is due to be launched in late January /early February and it is hoped to implement the amended legislation in 2009. Members noted the concern about the derisory penalty which can be imposed for a breach of the legislation. It was agreed that when the consultation paper is out that Council should write to the Minister about the level of fines.

12.3 EHS Budget

Mr Seymour reported that the Comprehensive Spending Review within government has meant that EHS must make efficiency savings over a 3-year period and could involve the non-filling of 12-15 posts in the NH Directorate alone.

12.4 ASSI Proposals

Mr Seymour reported that in the case of Lough Corr the grassland had been improved 10 years ago and therefore this pre-dates the EIA regulations.

In the case of the Earth Science Programme, Mr Enlander tabled a paper setting out the total no. of earth science ASSIs declared and the total no. of management agreements.

13. GENERAL INFORMATION

Members noted the contents of the events and publication lists No.101 and consultation responses.

14. ANY OTHER BUSINESS

14.1 Environment (NI) Order 2002

Mr Furphy asked if EHS had used compulsory regulations under the Environment (NI) Order 2002. Mr Seymour advised members that EHS has not used this power to date. EHS would exhaust all other options before taking this course of action.

14.2 ASSI Documentation

A question was raised about the circulation of ASSI Site Description papers to outside bodies. Members were informed that earth science papers were shared with CeDAR but not biological sites. EHS will consider requests from other bodies, stakeholders etc, after the declaration of ASSIs. It was noted that EHS produces a leaflet for landowners whose land is involved in the designation process.

Members were concerned about the amount of paper used in bringing ASSI proposals to Council. It was agreed that all such papers be sent by e-mail and if members needed a hard copy this would be made available. In any event it was

important that the citation document and maps should be circulated to members in hard copy.

14.3 Environmental Issues

Concern was expressed that government was sidelining environmental issues and this highlighted the weaknesses in the NI political system. The view was taken that CNCC should do more to raise the environmental profile and flag up its concerns. The Chairman reminded members that Council had the opportunity to do this through its end of term report which is due for publication next year.

15. DATE OF NEXT MEETING

The next meeting of Council is to be held on the 29th February 2008.

(The meeting finished at 1.00pm)